

Land and Water Resources Council

June 15, 2006
Minutes of the Meeting

Members present: Martha Freeman, Director, State Planning Office (SPO); George Lapointe, Commissioner of Marine Resources (DMR); Ned Porter (for Commissioner, Seth Bradstreet Department of Agriculture, Food, and Rural Resources (DAFRR)); Paul Jacques (for Roland Martin, Commissioner of Inland Fisheries and Wildlife (DIFW)); Deb Garrett (for David Littell, Commissioner, Department of Environmental Protection (DEP)); Bob Marvinney (for Pat McGowan, Commissioner, Department of Conservation (DOC)); and Andy Tolman (for Commissioner Brenda Harvey, Department of Health and Human Services (DHHS))

Staff: Kathleen Leyden, SPO; Deirdre Gilbert, DMR; Elizabeth Stephenson, SPO; Vanessa Levesque, SPO/DMR, and Todd Burrowes, SPO

Other: Sebastian Belle, Maine Aquaculture Association

I. Welcome. Chair Martha Freeman welcomed those in attendance, who introduced themselves, and opened the meeting.

II. Minutes. The Council unanimously approved the minutes of its March 23, 2006 meeting as drafted.

III. Bay Management Study. Kathleen Leyden briefed the Council on the status of the bay management project. Ms. Leyden explained that staff developed and reviewed with a subcommittee of the Council several potential bay management concepts for further exploration and discussion at the next steering committee meeting. Council members agreed that presentations to the subcommittee on energy development and submerged lands issues as they may relate to bay management would be useful.

Vanessa Levesque briefed the Council on the two bay management pilot projects undertaken at the direction of the Legislature as part of the study. Having summarized the pilots' respective approaches and processes, Ms. Levesque outlined the pilots' conclusions and recommendations as well as staff's preliminary findings regarding what the State could do to support bay management planning and action at the regional and local levels. In response to questions, Ms. Levesque clarified that the pilot projects are now completed, in terms of their grant obligations to the State, but also on-going, in that participants are continuing to work in an organized manner on issues of concern to them. While recognizing the values of informed local action, Commissioner Lapointe emphasized to consider further state support for comparable regional or local bay management efforts in light of state agencies responsibilities and priorities.

With reference to previously distributed written materials, Deirdre Gilbert summarized the several potential bay management concepts scheduled for discussion at the upcoming steering committee. As explained by Ms. Gilbert, these options for discussion focus on regional approaches to bay management issues and potential enhancements of the State's current management framework. Chair Martha Freeman, noting similarities between these bay management concepts and ideas that emerged from the recently completed study of the State's growth management program, urged that staff explore ways in which these efforts may work together to advance and compliment any common objectives on regionalization and other key issues. Acknowledging the need to ensure coordination of potentially related state initiatives, Commissioner Lapointe observed that the concept of regional governance as applied to the marine environment still needs careful evaluation. Commissioner Lapointe suggested that staff consider organizing an interagency meeting to explore agencies' roles and working relationships in a discrete geographical area as a type of case study aimed at identifying options to facilitate improved communication and cooperation and other potential improvements in state agency efforts.

IV. Ground water management study. Bob Marvinney briefed the Council on the status of this study effort. With reference to written materials, Mr. Marvinney outlined the straw proposal for a new, watershed-based approach to groundwater management that MGS has developed for discussion at the next study committee meeting. As Mr. Marvinney explained, the proposal provides for a new state-level review and approval of certain groundwater withdrawals in areas where existing uses and watershed conditions suggest the potential for use conflicts and adverse environmental effects. Mr. Marvinney noted that development of a negotiated water management budget, with the potential for a state imposed allocation of water if agreement is not reached, is also part of the straw proposal. Paul Jacques suggested that related surface water uses and issues may also need to be considered in order to ensure issues are explored in a scientifically sound manner. Chair Martha Freeman noted that potential legal issues regarding state water rights to surface and ground water should be evaluated with assistance from the Attorney General's office as appropriate as the group proceeds with its discussion of this proposal. Ned Porter explained that agricultural water users have serious reservations about this proposal based on potential effects on their operations' economic viability. Mr. Porter pointed to the potential for state allocation of water rights as a particular area of concern and suggested the Aroostook low-flow agreement on water uses as a potential model for consideration. Andy Tolman noted that state water utilities have also expressed concerns about further regulation of ground water extraction and water use management. Commissioner Lapointe, supporting the benefits of a watershed based approach to water use management, suggested that the question of allocation, while potentially problematic both from a legal and policy perspective, should be evaluated as part of the study in order to provide a thorough understanding of the issues.

V. **309 Assessment and Strategy**. With reference to written materials distributed to the Council, Kathleen Leyden outlined the list of priorities and related strategies from the draft Maine Coastal Plan. Ms. Leyden explained that under Section 309 of the Coastal Zone Management Act, Maine and other states with approved coastal management programs are required to develop a five year plan aimed at identifying and implementing

program changes and improvements to address current and emerging issues. Ms. Leyden explained that in preparing the draft Plan the State Planning Office consulted with other state agencies, solicited public comments on the draft, and in July, 2006, intends to submit the plan for review and approval by the National Oceanic and Atmospheric Administration's Office of Coastal Resource Management. Ms. Leyden invited Council members to review the proposed priorities and strategies in light of their agencies' missions and priorities and provide their comments, including any additional ideas on priorities or strategies, by the end of the first week in July.

VI. Other business. Andy Tolman notified the Council that the State's Drinking Water Program, pursuant to PL 2005 c. 175, has initiated a public process to discuss and refine recommendations for continued improvement of the safety of public water supplies. Mr. Tolman explained that the recommendations under consideration are focused on ensuring that potential effects on drinking water supplies are duly considered and addressed when local and state land use decisions are made. Mr. Tolman invited Council members to make suggestions on persons to be invited to upcoming public meetings. Mr. Tolman explained that the Drinking Water Program intends to report its recommendations to the Legislature's Natural Resources Committee in February 2007.